relation to which the powers conferred upon the Universities respectively entered against them by or under the Act of Incorporation or the said Indian Universities Act, 1904, shall be exercised.

Territorial limits.		
Province (including any Native States under its political control and any foreign possession included within its boundaries.	Native State or Colony.	University.
Bengal, Burma and Assam ...	.....	Calcutta.
Madras and Coorg ...	Hyderabad, Mysore and Ceylon.	Madras.
Bombay and Sind ...	Baroda	Bombay.
United Provinces of Agra and Oudh, the Central Provinces (including Berar) and Ajmer-Merwara.	The States included in the Rajputana and Central India Agencies.	Allahabad.
Punjab, North-West Frontier Province and British Baluchistan.	Kashmir, Baluchistan ...	Punjab.

RULES AND ORDERS UNDER ACT III OF 1907.

PROVINCIAL INSOLVENCY.

APPOINTING THE REGISTRAR OF THE COURT OF THE JUDICIAL COMMISSIONER OF SIND TO BE OFFICIAL RECEIVER FOR THE LOCAL LIMITS OF THE JURISDICTION OF THAT COURT.

Notn. No. 793, Judicial, dated 12th February 1908, B. G. G., 1908, Pt. I, p. 165.

In exercise of the powers conferred by Section 19 of the Provincial Insolvency Act, 1907 (III of 1907), the Governor in Council is pleased to appoint the Registrar of the Court of the Judicial Commissioner of Sind to be Official Receiver for the local limits of the jurisdiction of the said Court under the said Act, namely, within the limits of the town and cantonment of Karáchi.

RULES MADE BY THE COURT OF THE JUDICIAL COMMISSIONER OF SIND FOR CARRYING INTO EFFECT THE PROVISIONS OF THE ACT.

Notn. No. 8935, Judicial, dated 10th November 1908, B. G. G., 1908, Pt. I, p. 1940.

In exercise of the powers conferred by clause (*1*) of Section 51 of the Provincial Insolvency Act, 1907 (III of 1907), the Governor in Council is

pleased to sanction the following rules made by the Court of the Judicial Commissioner of Sind for carrying into effect the provisions of the said Act:—

1. Whenever a debtor presents an insolvency petition, he shall supply as many copies thereof with all annexures as there are creditors with two additional copies for the use of the Court. Such copies shall when the creditors do not exceed six, be written or typed, and when the creditors exceed six, be printed. The debtors shall also deposit a sum sufficient to defray the cost of serving all creditors with notice of the petition.

2. Whenever a creditor presents an insolvency petition he shall deposit in Court the sum of Rs. 150 to cover expenses. Such deposits shall be paid out of the first available assets realized.

3. Notice of an order under sub-section (*1*) of Section 12 of the Act shall be given to creditors, and persons alleging themselves to be creditors, whether such debts are admitted or disputed, in the following manner. In all cases notice shall be published in the two successive issues of the *Sind Official Gazette*, which shall be published next after the appointment of the day of hearing. To creditors, or persons alleging themselves to be creditors, who are resident within the limits of the original jurisdiction of the Court to which the petition has been presented, notice shall be given by personal service, or by leaving a copy of the notice at their dwelling house or place of business. To creditors, or persons alleging themselves to be creditors, who are resident within the jurisdiction of any other Court in British India, notices shall be transmitted for service to the Court having jurisdiction at the places where such creditors or persons alleging themselves to be creditors respectively reside. In cases where the creditors or persons claiming to be creditors are resident elsewhere than as above mentioned, notices shall be transmitted by registered letter. Where the debtor is the petitioner there shall be annexed to every notice transmitted to creditors, or persons alleging themselves to be creditors, a copy of the petition with all annexures.

4. When an insolvency petition is admitted and the debtor is not the petitioner, the notice of the order, under sub-section (*1*) of Section 12 of the Act may in the discretion of the Court require the debtor to file a schedule containing all the particulars mentioned in clauses (*d*) and (*e*) of sub-section (*1*) of Section 11 of the Act, within such time, not being less than ten days, as the Court shall determine. A copy of such schedule shall be transmitted to every creditor or person alleging himself to be a creditor, by ordinary post.

5. The time to be appointed for the hearing of the insolvency petititon shall be fixed with regard to the places of residence of the several creditors or persons alleging themselves to be creditors and with a view to giving such creditors or persons a reasonable time within which to instruct a pleader to represent them at the hearing of the petition.

6. When any order of adjudication of insolvency under the Act against any person or persons has been made, notice of such order shall be published in the two successive issues of the *Sind Official Gazette*, which shall be published next after the making of such order, and also if the Court shall so order, in one English and one vernacular paper, and shall also be sent by ordinary post to every creditor, or person alleging himself to be a creditor, and shall therein name a day on or before which claims shall be filed.

7. All persons alleging themselves to be creditors of the insolvent in respect of debts provable under the Act shall prove their debts by affidavit which shall be delivered, or sent by post in a registered letter, to the Official

Receiver, within such time as shall be limited by the notice of order of adjudication.

8. The names, descriptions, and residences of all debtors by whom or in respect of whom insolvency petitions, are presented, shall when such petitions are admitted be posted on the notice board of the Court, and in the office of the Official Receiver, but no question whether this rule has been duly complied with shall be allowed at the hearing.

9. It shall be incumbent upon every insolvent to give all assistance in his power in serving creditors or persons alleging themselves to be creditors with notices. A list of all persons named as creditors or as persons alleging themselves to be creditors in the petition or in the schedule filed by the debtor, together with the date and place of service of the notice of the petition, on each such person, shall be filed in the office of the Official Receiver.

10. No final order for discharge of any insolvent shall ordinarily be made before the Court day next following the day of hearing, or such later day as the Court shall appoint, when any creditor shall be allowed to oppose the discharge of the insolvent in like manner as at the original hearing.

11. No insolvent who has had his petition dismissed shall be allowed to present a fresh petition without a special application to the Court with an affidavit stating the cause of dismissal and the grounds of such new application and a copy of such affidavit shall be served on the opposing creditors four clear days before the application to the Court is heard.

12. The Serishtedár and the Official Receiver shall, on the reasonable request of any insolvent or creditor, permit him to inspect all proceedings relating to such insolvent, and all books and writings in such matter; and shall provide any such insolvent or creditor requiring the same with copies at the usual Court rates.

13. The Official Receiver shall cause the Názir to open a ledger account of each insolvent's estate in the books of the Court and all moneys received or expended in repect of each estate shall be paid to or drawn through the Názir and be duly entered in each account and the balance from time to time at credit of each estate shall be included in the general balance of the Court deposited in the Government Treasury.

14. The Official Receiver shall deposit all valuable securities for safe custody with the Názir and whenever a sum exceeding Rs. 500 shall stand to to the credit of any one estate, the official receiver shall give notice thereof to the Court, and unless it shall appear that a dividend is about to be immediately declared, he shall obtain the Court's order to invest the same in a Promissory Note of the Government of India.

15. The Official or other Receiver shall keep accurate accounts of the property, debts and credits of every insolvent, and of all moneys received and payments made by such Receiver, which accounts any creditor shall be at liberty to inspect at all reasonable times, in the hands of the said Receiver.

16. Subject to any special order of the Court under clause (*b*) of sub-section (2) of Section 18 of the Act, a percentage of 5 *per cent.*, on the principal sum forming the proceeds of each estate distributable as dividends shall be deducted by the Official Receiver from all estates administered by him and shall be credited to Government.

17. The remuneration of a Receiver appointed under the Act and not being the Official Receiver shall ordinarily not exceed 5 *per cent.* of the principal sum forming the proceeds of the estate distributable as dividends.

18. The Official Receiver shall publish half-yearly in the *Sind Official-Gazette, viz.*, in the first Gazette published after the 31st day of January, and the 31st day of July in every year, an account of each estate not then wound up and fully distributed, that is to say, of the whole receipts, of the whole disbursements (distinguishing dividends from other payments) of the balance remaining, of the mode and securities in which such balance is actually invested, and of the probable produce of assets not yet realized.

19. The Court may from time to time appoint an auditor or auditors to examine the accounts of the Official or other Receiver.

20. The Official Receiver shall cause the Názir to credit to Government for the eventual benefit of those entitled, all dividends unclaimed for three years in estates in which dividends have been distributed, and all sums standing to the credit of insolvents' estates in which no further recovery is anticipated and in which no dividend can be declared.

21. All notices issued under Sections 27 (*1*), 42 (*3*) and 44 (*1*) of the Act shall be transmitted to every creditor or person alleging himself to be a creditor, by ordinary post.

22. The fees allowed to pleaders as costs in any proceedings under the Act shall be such as are allowed under the rules of the Court for a miscellaneous proceeding.

23. The forms set out in the schedule annexed hereto, shall, s[illegible] practicable, be used in all proceedings under the Act.

FORM A.

SCHEDULE.

Notice of Insolvency Petition.

[Section 12 (*2*) of the Provincial Insolvency Act, 1907.]

IN THE COURT OF THE JUDICIAL COMMISSIONER OF SIND,
Karáchi.

No. OF 190

Re

WHEREAS has filed in the above Court an insolvency petition, copy of which is hereto annexed:

Take notice that the Court has fixed the day of 190 at for hearing the petition.

Given under my hand and the seal of the Court this day of 19

Serishtedár.

To

Note.—All future notices in connection with the above insolvency petition will be forwarded to you by ordinary post. If the address above given be incorrect or insufficient, you should at once communicate with the Official Receiver, Karáchi, stating y[illegible] sta[illegible] address.

FORM B.

Notice of adjudication and to prove debt.

[Section 16 (7) and Section 24 of the Provincial Insolvency Act, 1907.]

IN THE COURT OF THE JUDICIAL COMMISSIONER OF SIND,

Karáchi.

No. OF 19

Re

WHEREAS the said was in the Court of Judicial Commissioner of Sind on the day of 190 adjudicated an insolvent, you are hereby required to tender proof of the debt alleged to be due to you by the said insolvent by producing evidence of the amount and particulars thereof on or before the day of 19 on which date the Court will proceed to determine the persons who have proved themselves to be creditors of the insolvent and the amount of their respective debts.

Such proof must be by an affidavit in the accompanying form, made before a Magistrate or any other person authorized to administer oaths, and the affidavit must be either delivered at the office of the Official Receiver, or forwarded to his address by post in a registered letter, together with a detailed account and all the papers in connection therewith, together with hundis, promissory notes, decrees or any other documents on which the claim may be based.

Given under my hand and the seal of the Court this day of 19 .

Serishtedár.

To

FORM C.

1 Re. Stamp.

Affidavit verifying debt.

[Section 25 of the Provincial Insolvency Act, 1907.]

IN THE COURT OF THE JUDICIAL COMMISSIONER OF SIND,

Karáchi.

No. OF 190 .

Re

I / We

make oath / solemnly affirm and say as follows:—

That the above insolvent was / insolvents were on the date of the order of adjudication, *viz.*, the day of 190 , and still is / are justly and truly indebted to me / us in the sum of Rs. as shown by the account (*a*) annexed hereto, for which sum or any part thereof I / we say that I / we have not nor has any person by my / our order to my / our knowledge or belief had or received any

(*a*) A detailed account and all papers in connection therewith, together with hundis, promissory notes, decrees or any other documents on which the claim may be based, must be annexed to this affidavit.

manner of satisfaction or security whatsoever save and except what is shown in the account.

Sworn / Solemnly affirmed at on the day of 190 .

(b) The affidavit must be sworn or affirmed as the case may be before a Commissioner, a Magistrate or any other person authorized to administer oaths.

Before me (b)

Signature of the claimant.

(c) A special affidavit should also be submitted if the creditor seeks / creditors seek to prove any debt liability to which the insolvent / insolvents may become subject before his / their discharge by reason of any obligation incurred before the date of adjudication.

Admitted to rank for dividend for this day of 190 .

Official Receiver.

FORM D.

Form of list of debtors to be annexed to the debtor's petition.

N.B.—When there have been mutual dealings, and it is alleged that a claim by any party has been set-off, such party must be entered both as creditor and debtor, and the word "set-off" must be written under the amount.

Debtors.

No.	Names and residence of debtors.	Amount.	When contracted.	Good, bad or doubtful.	Nature and consideration of the debt and the securities (if any) for the same.	Witnesses, with their residencies, and other evidence by which the debt may be proved.

FORM E.

Form of list of creditors to be annexed to the debtor's petition.

[Section 11 (*1*) (*d*) of the Provincial Insolvency Act, 1907.]

N.B.—Where there have been mutual dealings, and it is alleged that a claim by any party has been set-off, such party must be entered both as a creditor and debtor, and the word "set-off" must be written under the amount.

Creditors.

No.	Names and residences of creditors and claimants.	Amount of claim.	Interest due at date of presenting petition, or filing schedule, with rate.	Payments.	Balance due.	When contracted.	Admitted or disputed.	Nature and consideration of debt or claim and securities (if any); also, if the debt is disputed, the reason.

FORM F.

Notice of proposal by insolvent.

[Section 27 (*1*) of the Provincial Insolvency Act, 1907.]

IN THE COURT OF THE JUDICIAL COMMISSIONER OF SIND,
Karáchi.

No. OF 190 .

Re

Take notice that the abovenamed debtor has submitted the following proposal for a composition in satisfaction of his debts / scheme of arrangement of his affairs, and that such proposal will be considered by the Court on the day of 190 at

Given under my hand and the seal of the Court this day of 190 .

Serishtedar.

To

DIRECTING THAT THE OFFICIAL RECEIVER SHALL, SUBJECT TO THE DIRECTIONS OF THE COURT, HAVE THE POWERS DESCRIBED IN CLAUSES (*b*), (*e*) AND (*f*) OF THE SECTION.

Judicial Commissioner Notn. No. 520, dated 19th February 1908, S. O. G., 1908, Pt. I, p. 510.

Under the provisions of Section 52 of the Provincial Insolvency Act, 1907 (III of 1907), the Court of the Judicial Commissioner of Sind, with the previous sanction of the Governor in Council, is pleased to direct that the Official Receiver shall, subject to the directions of the Court, have the powers described in clauses (*b*), (*e*) and (*f*) of the said section.

DECLARING THAT THE PROVISIONS OF CERTAIN SECTIONS SHALL NOT APPLY TO INSOLVENCY PROCEEDINGS IN ANY COURT IN THE PROVINCE OF SIND OTHER THAN THE COURT OF THE JUDICIAL COMMISSIONER OF SIND.

Notn. No. 6816, Judicial, dated 29th December 1908, B. G. G., 1909, Pt. I, p. 1.

In exercise of the power conferred by Section 54 of the Provincial Insolvency Act, 1907 (III of 1907), the Governor in Council is pleased to declare, with effect from the 1st January 1909, that the following provisions of the said Act shall not apply to insolvency proceedings in any Court in the Province of Sind other than the Court of the Judicial Commissioner of Sind, namely :—

Section 15, sub-sections (2) and (3), Section 16, sub-section (3), Section 25, Section 27, Section 32, Section 33, sub-section (1), clause (*b*), sub-section (2), (3) and (6), Sections 36 to 38, Section 40, Section 44, sub-sections (3) and (4), and Section 53.

Procedure, the Governor of Bombay in Council is pleased, with the sanction of the Governor General in Council, to declare that in the districts of Ahmedabad, Kaira and Broach the execution of decrees in cases in which a Civil Court has ordered the sale of any immoveable property belonging to a Tálukdár, Thákur, Jághirdár, or Kashati, and of decrees ordering the sale of any such property, shall be transferred to the Collector.

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[a] *Notn. No. 4520, Judicial, dated 24th July 1882, B. G. G., 1882, Pt. I, p. 557.*

With reference to Notification No. 3600 of 24th May 1880[b] (published at page 519 of Part I of the *Bombay Government Gazette* of 3rd June 1880), and in exercise of the power conferred by Section 320 of the Civil Procedure Code, the Governor of Bombay in Council is pleased, with the sanction of the Governor General in Council, to declare that in the districts of Poona, Sholápur, Ahmednagar and Sátára, decrees for money passed prior to the first of November 1879, in execution of which a Court has ordered the sale of any immoveable property belonging to any person who is an agriculturist within the meaning of the Dekkhan Agriculturists' Relief Act, 1879 (as amended by Act XXIII of 1881), shall be transferred for execution to the Collector.

The Governor of Bombay in Council is also pleased to declare that inasmuch as doubts have arisen whether a notification published under the provisions of Section 320 of the Civil Procedure Code affects the execution of decrees by the Courts of Jághirdárs empowered under Regulation XIII of 1830 to execute their own decrees, such Notification is not to be deemed to extend to the decrees of Jághirdárs invested with jurisdiction under Regulation XIII of 1830.

Thána and Panch Mahál.

[a] *Notn. No. 762, Judicial, dated 9th February 1892, B. G. G., 1892, Pt. I, p. 120.*

In exercise of the power conferred by Section 320 of the Code of Civil Procedure (Act XIV of 1882), as amended by Act VII of 1888, the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to declare that in the revenue[c] districts of Thána and the Panch Mahál the execution of decrees shall, in the following cases, be transferred to the Collector, *viz.*:—

(1) Decrees for money in execution of which a Court has ordered the sale of immoveable property belonging to [d] a person who is an agriculturist within the meaning of the Dekkhan Agriculturists' Relief Act, 1879 [d]; and

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[a] This Notification, issued under Act XIV of 1882, is kept in force by Act V of 1908, Section 157.

[b] Printed *supra*, page 1005.

[c] The word "revenue" was inserted by Govt. Notn. No. 2053, Judicial, dated 12th April 1892, *B. G. G.*, 1892, Pt. I, p. 348.

[d—d] These words were substituted for the words "any person who earns his livelihood, either wholly or principally by agriculture," by Govt Notn. No. 5248, Judicial, dated 20th September 1907, *B. G. G.*, 1907, Pt. I, p. 1627.